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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,220	04/26/2002	Nevio Vidovic	000515-281	3449

21839 7590 02/05/2003

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EXAMINER

NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,220

Applicant(s)

VIDOVIC ET AL.

Examiner

Tu T Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Serial Number: 10/018,220
Filing Date: 04/26/02

Paper No: 9

Detailed Office Action

Election/Restriction

Applicant's election without traverse of group I, claims 1-8 in Paper No. 8 is acknowledged.

Specification

The disclosure is objected to because of the following informalities:

In the specification, pages 1-2, the terms "claim 1", "claim 5", "claims 1 and 5" should be deleted.

Claim Objections

Claims 1,5 are objected to because of the following informalities:

Claim 1 is a method claim. It should contain all the steps to perform the measurement. In claim 1, line 6, 8, 11, 12, the phrases "generation", "generation", "detection", "detection" should be changed to "generating", "generating", "detecting", "detecting", respectively.

Claim 5, line 13, the term "said unit" should be changed to "said computerized measuring unit".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,5,7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-4, the phrase " a sensor element connected ... in connection with the sensor element" is not clear. It is not clear how the sensor element connected to the measuring and control unit. The claim does not provide a connection between the components in order for an ordinary skill in the art to understand the invention.

In claim 1, lines 11-12, the phrase " detection of said measuring signal and detection of said reference signal" is not clear. It is not clear how to detect the signals. Does Applicant mean detecting the reflected signals? Or where are the detectors located?

In claim 1, line 9; claim 5, lines 8-9, the phrase "without being influenced in the sensor element" is not clear. It is not clear how the reference signal is transmitted without being influenced in the sensor element.

In claim 1, lines 13-16, the phrase "characterized by comprising ... pre-stored data concerning the relationship between the measured reference signal and the measured measuring signal" is not clear. It is not clear how to perform the correction. What does applicant mean by "compensation through correction data"?

In claim 5, lines 2-4, the phrase "for providing signal corresponding ... the sensor element" is not clear. It is not clear which element " optical connection" or "the sensor element" providing the measurement signal.

In claim 7, line 2, the term "and/or" is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (6,210,346).

With respect to claims 1,5, Hall discloses a system for measuring a pressure. The system comprises: a sensor 21 (fig 3) connected to an optical connection 14 (fig 3), a light source 10 (fig 3) for generating a measurement signal, a detector 30 (fig 3) for detecting the reflected signal.

Hall does not disclose a second light source for generating a reference signal without being influenced in the sensor element. Hall's prior art discloses an additional light source for generating a reference signal without being influenced with the sensor to compensate for the variations in transmittance caused by bending of the optical connector (column 2, lines 51-60). It would have been obvious to modify Hall with the compensating element as taught in the prior art to make the system more accurate.

Hall does not disclose compensating the measured data through the pre-stored data. However, compensating the measured data to the pre-stored data for determining characteristic

of a test device would have been known. It would have been obvious to modify Hall with the known compensating method to make the system to process the bending function faster.

With respect to claims 2,6, since Hall feeds the measuring signal 10 (fig 3) to a sensor 21 (fig 3), Hall would have been inherently disclosed an optical interference in a cavity associated with the sensor element.

With respect to claims 3-4, the claimed stored table and the pressure measurement would have been known. It would have been obvious to modify Hall's system with the known stored table and the pressure measurement to measure the pressure of the test system.

With respect to claims 7-8, it would have been obvious a design choice to modify the cavity with different bonding procedure or different layers for different environment. The modification involves only routine skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on M-T 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular

communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tu Tuan Nguyen

Patent Examiner TC 2877

1/31/03